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SSIC NO. 5090.3

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August 3, 2006

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Dear [REDACTED]

Subj: FINAL RESPONSES TO COMMENTS RECEIVED ON THE DRAFT SITE 26 RECORD
OF DECISION, ALAMEDA POINT, ALAMEDA, CALIFORNIA

I'm pleased to submit the enclosed Final Responses to Comments (RTCs) based on email communication and our conference call of July 18, 2006. These final RTCs replace the RTCs originally transmitted with the Draft Final Site 26 Record of Decision (ROD). The Navy will prepare and submit a Final ROD in accordance with these Final RTCs, as soon as possible.

If you have any questions, please call me at [REDACTED] or [REDACTED] Remedial Project Manager at [REDACTED]

Sincerely,

[REDACTED]
[REDACTED]
BRAC Environmental Coordinator
By direction of the Director

Encl: (1) Final RTCs Site 26, Alameda Point, CA [August 3, 2006]

Copy to:

[REDACTED] Admin Records (3 copies) (IR Site 26)
NAVFAC Southwest
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SENSITIVE RECORD

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SENSITIVE

RESPONSES TO REGULATORY AGENCY COMMENTS ON THE DRAFT RECORD OF DECISION, SITE 26, ALAMEDA POINT, CALIFORNIA

This document presents the U.S. Department of the Navy's (Navy) responses to comments from the U.S. Environmental Protection Agency (EPA) Region IX and the California Department of Toxic Substances Control (DTSC), on the "Draft Record of Decision [ROD], Site 26, Alameda Point, Alameda, California" dated January 23, 2006. The Navy received the comments addressed below from the EPA on March 30, 2006 and April 5, 2006 and from DTSC on March 31, 2006. San Francisco Bay Regional Water Quality Control Board provided a letter on March 27, 2006 concurring with the conclusions presented in the ROD.

RESPONSES TO EPA COMMENTS

General Comments provided by [REDACTED], Remedial Project Manager

1. **Comment:** The Navy has not adequately explained the basis for the no action decision for soil. Page 8-1 indicates that no action was selected due to low incremental risk for soil; however, the discussion of incremental risk on page 7-6 does not discuss benzene and ethylbenzene, which are the two contaminants where sampling indicated some exceedances of residential PRGs (p. 5-3, second paragraph under Sec. 5.3), and which are not present in background. There needs to be a better explanation of why the concentrations of benzene and ethylbenzene are not considered to pose an unacceptable risk.

Response: In response to this comment, the referenced text in Section 5.3 will be expanded to explain: (1) that benzene and ethylbenzene concentrations in soil at Site 26 exceeded preliminary remediation goals (PRGs) only along the fuel lines near the southwest corner of Building 23, where past fuel releases have occurred; (2) that the presence of benzene, ethylbenzene, and other fuel-related chemicals in this area were attributed to those fuel releases; and (3) that the fuel-related contamination is not addressed in this ROD because it is not regulated under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and thus is being investigated and remediated under the Alameda Point Total Petroleum Hydrocarbon (TPH) program. Also in response to this comment, a footnote will be added to the Building 23 column of the risk table, Table 7-2, stating that this area is currently being investigated and remediated under the Alameda Point TPH program, which is regulated by the Water Board.

2. **Comment:** Pages 5-2, 6-2, 13-2, conclusion that groundwater is unlikely to be used as drinking water:

(a) EPA recommends inclusion of more technical details as to why

the Navy has concluded that the groundwater should not be considered potential drinking water for the purpose of this Superfund cleanup. For example, it is not entirely clear where the contamination is (is it confined to the FWBZ?) More details on the potential saltwater intrusion would be helpful. For example, where would the salt water come from – the SWBZ? the Bay? We also recommend mention of the county prohibition on well construction, as well as the information recommended in the 1998 Huetteman letter, e.g. actual yield, actual TDS, proximity to salt water.

- (b) Pages 6-2 and 5-3, we recommend removal of sentence that EPA would concur with non-MCL cleanup levels. This sentence is confusing in the context of this ROD, where cleanup levels are equivalent to MCLs.
- (c) Pages 13-2, more discussion, both technical and legal, should be added to support the conclusion that MCLs are not ARARs. This section needs to further discuss the Navy's rationale for why the groundwater addressed in this ROD is not considered potential drinking water (or at least refer back to the discussion on pages 5-2 and 6-2). We also recommend a short discussion of why MCLs are not applicable and why they are not relevant and appropriate here, considering the factors listed in 40 CFR 300.400(g).

Response:

- (a) Additional information regarding the county's prohibition of well construction and supporting details from the beneficial use evaluation such as saltwater intrusion in groundwater and actual yield will be included in Section 5.2. Additional information regarding the groundwater plume being in the first water-bearing zone (FWBZ) at a depth of 2 to 6 feet below ground surface will be included in Section 5.3.
- (b) As recommended, the text in Sections 5.2 and 6.2 will be revised as follows: "... it seems unlikely that groundwater in this area will be a potential source of drinking water in the future and would concur with cleanup levels for Site 26 such that the threats posed by such exposures as inhalation (groundwater vapors into soils and from soils into residences), dermal contact, and those associated with irrigation use are eliminated, and any significant ongoing degradation of the groundwater from contamination is prevented (EPA 2000)." However, Navy believes that it is important to emphasize that maximum contaminant levels (MCLs) do not apply to Site 26, and remediation to unrestricted site use is being conducted because the cost associated with attaining unrestricted use remedial goals is expected to be comparable with the cost associated

with commercial use remedial goals, when considering the associated long-term cost.

- (c) A reference to the MCL discussions in Sections 5.2 and 6.2 will be added to Section 13.2.1.1, and the first paragraph in this section will be revised as follows:

"Groundwater is the only medium of concern at Site 26. The long-term reuse of Site 26 is expected to be commercial and industrial. As described in Sections 5.2 and 6.2, groundwater beneath the central portions of Alameda Point (including Site 26) is not currently used for drinking water, irrigation, or industrial supply and meets SWRCB exemption criteria to dedesignate the municipal supply beneficial use for portions of Alameda Point (Water Board 2003). Drinking water is supplied to Alameda Point by the East Bay Municipal Utilities District. In addition, EPA stated that they would concur with cleanup levels for Site 26 groundwater such that the threats posed by such exposures as inhalation (groundwater vapors into soils and from soils into residences), dermal contact, and those associated with irrigation use are eliminated, and any significant ongoing degradation of the groundwater from contamination is prevented (EPA 2000)."

3. **Comment:** Page 7-10 footnote 1 in top table says that Building 23 is deferred to the TPH program. The ROD on page 8-1 says that "the plume near Building 23" is not addressed by the ROD because it is deferred to the TPH program. We recommend that it be clarified in Sec. 4.0, Scope and Role of Operable Unit and Response Action, that Building 23 (or the plume near Building 23, whichever is correct) is deferred to the TPH program, why that is being done, and what exactly this means.

Response: The text in Section 4.0 will be revised to be consistent with the summary of TPH contamination presented previously in Section 2.2.4. The text will clarify that petroleum-contaminated areas at Site 26, designated as Fuel Line corrective action area (CAA) C and CAA-6, including the groundwater plume southwest of Building 23, are not addressed by this ROD and are currently being investigated and remediated under the Alameda Point TPH program because they are regulated by the Water Board. The text, "the plume near Building 23" in the footnote for Table 7-3 and on page 8-1 will be revised to "the petroleum plume southwest of Building 23."

4. **Comment:** Page 9-1 and following, all discussions of "Groundwater Confirmation Sampling." EPA continues to object to use of the term "groundwater confirmation sampling" instead of "monitoring." Additionally, EPA continues to object to presenting

monitoring as a stand-alone remedy, but is not disputing this ROD because alternative 2 is not the selected remedy.

Response: Comment noted.

Specific Comments provided by [REDACTED] Remedial Project Manager

1. **Comment:** Page D-i, third paragraph: Please delete the phrase "to the extent practicable," from the sentence.

Response: The phrase "to the extent practicable," on page D-i in the third paragraph will not be deleted because the origin of this phrase is Section 121 (a) of CERCLA, which provides that remedial actions should be carried out in accordance with §121 "and to the extent practicable, the National Contingency Plan."

2. **Comment:** Page D-i, fourth paragraph: Please replace the word "review" with "evaluation".

Response: The word "review" will be replaced with "evaluation" on page D-i in the fourth paragraph.

3. **Comment:** Page D-ii, third line after the top bullets. "Acceptable risk" should be changed to "no unacceptable risk." It is confusing to say that there is a potential risk from the GW and an acceptable risk from the soil, when the decision is to take remedial action for the GW but not for the soil.

Response: "Acceptable risk" will be replaced with "no unacceptable risk" on the third line after the top bullets on page D-ii.

4. **Comment:** Page D-ii, Description of the Selected Remedy: Please delete the word "further" from the no action decision for soil as there have not been any soil actions in the past. Ditto for the sentence immediately following this heading.

Response: The word "further" will be deleted from the no action decision for soil on Page D-ii of the Description of the Selected Remedy.

5. **Comment:** Page D-ii, in sentence beginning "Levels of contamination are low..." should change "significant risk" to "unacceptable risk."

Response: The words "significant risk" will be changed to "unacceptable risk" in the above-mentioned sentence.

6. **Comment:** **Page D-iv, Estimated capital...: Please delete the word "further" from the first sentence under "Description".**

Response: The word "further" will be deleted from the first sentence under the "Estimated capital..." row on page D-iv.

7. **Comment:** **Page D-i, fifth paragraph: EPA is required to select the remedy with the Navy. Please add the following to the beginning of the signature page as follows: "this signature sheet documents the US Navy's and the USEPA's co-selection of the remedial actions in this ROD for Site 26 at Alameda of no action for soil and remedial action for groundwater, and the State of California, by the DTSC's, and the SFBRWQCB's concurrence with this ROD. The respective parties may sign this sheet in counterparts." This verbiage should also be added to the Site 15 ROD and all future RODs.**

Response: The Navy believes that it is not necessary for EPA to select the remedy with Navy at a federal facility NPL site and the signature page of the ROD is consistent with EPA's ROD guidance; therefore, at this time, this language will not be included in the Alameda Point RODs.

8. **Comment:** **Page D-v, Authorizing Signatures: Please revise the word "Facility" to "Facilities" for Ms. Johnson's title.**

Response: The word "Facility" will be changed to "Facilities" for Ms. Johnson's title in the Authorizing Signatures.

9. **Comment:** **Page 2-1, last paragraph: Recommend deleting the reference to Site 18.**

Response: The Navy believes that this information regarding the storm sewers is relevant to closure of Site 26 and this ROD. The text was revised as follows: "Previously, the basewide storm sewer system was designated Site 18. Storm sewers are currently being addressed within their respective CERCLA site; therefore, the storm sewers located within the boundary of Site 26 are being addressed by this decision document, except for a small portion of a storm sewer line that extends from Site 5 into Site 26 between Buildings 23 and 24."

10. **Comment:** **Page 2-2, Section 2.2, second paragraph, first sentence: Please revise the sentence to state "CERCLA applies to sites where a hazardous substance is known or suspected to have been released to the environment."**

Response: The first sentence of the second paragraph of Section 2.2 will be revised to state "CERCLA applies to sites where a hazardous substance is known or suspected to have been released to the environment."

11. **Comment:** Page 2-3, Section 2.2.1, end of first paragraph: Include an explanation that the benzene levels in the groundwater southeast of Hangar 23 area still high and that remediation will be handled by the RWQCB under their TPH corrective action program.

Response: Section 2.2.1 will be revised to state that petroleum contamination remains in groundwater southwest of Building 23 and is currently being investigated and remediated under the Alameda Point TPH program, which is regulated by the Water Board.

12. **Comment:** Page 2-4, second paragraph: Recommend specifying what types of VOCs and fuel hydrocarbons were detected in soil and groundwater.

Response: The RI field investigation summary on page 2-4 will be revised to specify the types of volatile organic compounds (VOCs) and fuel hydrocarbons detected in groundwater near Building 20 and in soil and groundwater near Building 23.

13. **Comment:** Page 5-1, Section 5.1, third paragraph: Recommend mentioning that a Marsh Crust RAP/ ROD documents and enforces the appropriate management of the contamination presented by the marsh crust.

Response: The text in Section 5.1 will be revised to correctly state the following, "The marsh crust has been identified in the vicinity and east of Site 26 but has not been identified beneath Site 26 (Bechtel 2003)."

14. **Comment:** Page 5-1, Section 5.1, fourth paragraph, first sentence: Insert the word "mostly" between "Site 26 is" and "covered by".

Response: On page 5-1, Section 5.1, the word "mostly" will be added between "Site 26 is" and "covered by" in the first sentence of the fourth paragraph.

15. **Comment:** Page 5-2, first full paragraph, fifth sentence: Please delete this sentence. A vertical upward gradient implies that the SWBZ is overpressured which would necessitate that the BSU aquitard be a confining layer with complete integrity. Since the BSU is a semiconfining layer, conditions would not allow for any upward migration from an underlying aquifer, especially one that has higher TDS than the FWBZ.

Response: The sentence presents hydrologic conditions of the site based on information gathered in the RI. An upward vertical gradient can exist in an unconfined aquifer, across a semi-confining layer, or an aquitard. The upward gradient indicates the vertical component of hydraulic drive

when combined with porosity and hydraulic conductivity determines the rate of vertical mass flux of groundwater. The presence of an upward gradient does not necessarily imply significant upward migration. The Navy will therefore retain this sentence.

16. **Comment:** **Page 5-3, first full paragraph, please add: The remedy also needs to protect against risk from accidental ingestion of the groundwater.**

Response: The referenced paragraph summarizes EPA's 2000 letter; because protection of accidental ingestion is not mentioned in the letter, the text will not be revised as requested.

17. **Comment:** **Page 5-3, Section 5.3, second paragraph: An explanation should be included to explain why no action is being taken for soil southwest of Hangar 23 because VOCs exceed residential PRGs here.**

Response: The text in Section 5.3 will be revised to clarify that benzene and ethylbenzene in soil at Site 26 are related to petroleum contamination that is currently being investigated and remediated under the Alameda Point TPH program. See response to general comment 1.

18. **Comment:** **Page 5-5, Table 5-1. It would be helpful for the table to include the residential PRGs for comparison with the detected concentrations.**

Response: Because the basis for the no action/action decision for Site 26 under CERCLA is the site-specific human health risk assessment (HHRA), the Navy believes that inclusion of PRGs in the table is not appropriate.

A footnote has been added to Table 5-1 stating that a "yes" indicates the metal in soil at the site is attributed to background or naturally occurring conditions.

19. **Comment:** **Page 5-6, Table 5-2: Please delete the last column labeled "Background" since it doesn't apply to VOCs. It makes the table confusing to include a non-applicable column. We recommend adding a column with the actual PRGs and MCLs as referenced in the table title.**

Response: The background column in Table 5-2 will be removed; however, PRG and MCL columns will not be added to the table. Because groundwater at Site 26 is not considered a source of drinking water, the Navy believes that MCLs are not relevant to the decision for groundwater remediation at Site 26. See the response to specific comment 18 above.

20. **Comment:** **Page 7-2, Section 7.1.2.1: The title states "Residential Scenario/Recreational Scenario but only the residential scenario is discussed in this section. Recreational Scenario is not discussed anywhere.**

Please clarify.

Response: The text referred to is a typo. The heading for Section 7.1.2.1 will be revised to "Residential Scenario." Because the current and future land use for Site 26 does not include a recreational use, this scenario was not evaluated.

- 21. Comment:** Page 7-3, Section 7.1.2.1, last paragraph, first sentence: For clarity, we suggest revising the sentence to "Two residential exposure pathways, namely ingestion of...in the RI report, but these pathways were later considered incomplete..."

Response: The text in Section 7.1.2.1 will be revised to state that although two residential exposure pathways, ingestion of homegrown produce and domestic use of groundwater, were initially evaluated in the HHRA presented in the remedial investigation report, these pathways were later considered incomplete. Further evaluations concluded that they do not represent a significant potential for human exposure.

- 22. Comment:** Page 8-1, first paragraph. Please remove the last sentence. It is misleading to discuss setting remedial goals above MCLs when in this ROD the remedial goals are equivalent to the MCLs. The sentence also mischaracterizes EPA's 2000 letter.

Response: The referenced sentence in Section 8.0 will be deleted.

- 23. Comment:** Section 9.6, third sentence: The word "followed" should be changed to "following" and the word "by" should be deleted.

Response: The text in Section 9.6 will be revised as suggested.

- 24. Comment:** Page 10-2, Section 10.3, third paragraph. We disagree that Alternative 2 should be rated high in long-term effectiveness and permanence. It wouldn't be effective because the problem wouldn't be addressed. We recommend deleting the sentences related to Alternative 2 (especially since on the previous page the ROD does not even say whether Alternative 2 meets the threshold criteria). In table 10-1 on page 10-5, the "high" for alternative 2 should be changed. One of the parameters is the expected long-term reduction on risk, and alternative 2 does not address that.

Response: The following text will be deleted as recommended by EPA: "Alternative 2 also rated high in long-term effectiveness and permanence. Once plume definition and stability are verified, there would be no need to rely on ICs. Therefore, there would be no continuing need for repair and maintenance of wells." However, it should be noted the text and rating provided in the draft ROD is consistent with the feasibility study (FS) and proposed plan. In

addition, based on current site data, the Navy believes that action is not necessary to be protective of human health under the current and future site use; therefore, the high rating was retained. Navy is choosing to remediate to unrestricted site use because the cost associated with attaining unrestricted use remedial goals is expected to be comparable with the cost associated with commercial use remedial goals, when considering the associated long-term cost.

25. **Comment:** Section 10.3: We disagree with the statements in the last paragraph that once plume definition and stability are verified, there would be no need to rely on ICs, and no continuing need for repair and maintenance of wells. Defining a plume and verifying its stability do not lead to the conclusion that no ICs are necessary. The act of groundwater monitoring does nothing to protect human health and the environment, mitigate a threat or prevent exposure and does not meet ARARs.

Response: See response to specific comment 24 above.

26. **Comment:** Section 10.5, first paragraph: First paragraph is unnecessary and confusing since a remedial action is being taken. Please omit.

Response: Because the Navy believes that action is not necessary to be protective of human health under the current and future site use, the Navy believes it is important to emphasize that action is being taken at Site 26 because of the short-term effectiveness of the action in comparison to the associated long-term cost of ICs. The text will be clarified as follows: "The evaluation of this criterion considers the amount of time required to achieve RAOs. Action is not necessary to be protective of human health under the current and future commercial site use. However, unrestricted site use was also considered because the cost associated with attaining unrestricted use remedial goals is expected to be comparable with the cost associated with commercial use remedial goals, when considering the associated long-term cost."

27. **Comment:** Page 10-5, Table 10-1. We disagree that Alternative 3 should be rated high for short-term effectiveness because one of the parameters is time required to achieve protection, and this alternative would require decades to achieve RGs.

Response: Alternative 3 is rated high in short-term effectiveness and permanence because the Navy believes that active treatment is not necessary to protect human health under the current and future site use, and this rating is consistent with the FS and proposed plan.

28. **Comment:** Page 10-5, Table 10-1. Please remove the sentence "RAOs are met under the existing site conditions" from each discussion of the

short-term effectiveness criterion.

Response: The text will be revised to state that active treatment is not necessary to be protective of human health under the current and future site use.

- 29. Comment:** **Page 10-7, Table 10-2. Are the estimated costs total cost or present value?**

Response: Costs are present value. A footnote similar to the one included in Table 10-1 will also be added to Table 10-2.

- 30. Comment:** **Page 12-1, Sec. 12.0. The statement in this section that the closure of WD020 and OWS020 is being addressed by the selected remedy is confusing, because the descriptions of the selected remedy in various places do not address closure of WD020 and OWS020. Our preference is that the Navy separately discuss WD020 and OWS020 in the ROD, indicate that they will be closed, and that the State concurs that this action satisfies any RCRA requirements related to these units.**

Response: The referenced text in Section 12.0 will be deleted; closure of the solid waste management units (SWMUs), washdown (WD) 020 and oil-water separator (OWS) 020, under the Resource Conservation and Recovery Act (RCRA) is already addressed under Section 4.0, Scope and Role of Operable Unit and Response Action. Additionally, the following text will be added to Section 14.0: "The proposed plan also stated that the RCRA SWMU evaluation process is incomplete at this time, but Navy will complete the process prior to issuance of the ROD. The evaluation process has been completed, and DTSC has concurred with closure of the following RCRA SWMUs: ASTs 024A through 024E, NAS GAPS 19 through 22, and WD 023 (DTSC 2005, 2006). Previously, WD 020 and OWS 020 were recommended for further action because activities conducted at OWS 020 and WD 020 are associated with the contaminated groundwater addressed by this ROD. The closure of OWS 020 and WD 020 is addressed by the selected remedy, and DTSC concurs that this action satisfies any RCRA requirements related to these RCRA SWMUs."

- 31. Comment:** **Section 12.1: Please include additional details on the performance of the ISCO system such as rebound monitoring and methods to contain the plume so that the injections don't cause plume movement away from the contaminated areas. Very specific details can be left to the design phase, but the basic approach should be agreed to in the ROD so that there is concurrence about when to stop using the ISCO and start the ISB.**

Response: The text in the draft final will be revised to include the following.

Section 12.0 will be revised to include the following subsections: (Section 12.1) Summary of the Rationale for the Selected Remedy, (Section 12.2) Description of the Selected Remedy, (Section 12.3) Estimated Costs, and (Section 12.4) Expected Outcomes of the Selected Remedy. General performance objectives and exit strategies will be provided in the expected outcomes of the selected remedy section of the draft final ROD. These objectives will include a basic strategy for treatment performance assessment and restoration potential evaluations. Please note that revisions to the text in section 12. 4 necessitated by regulatory comments required new supplemental text for ICs be included in section 12.2. As suggested, detailed performance standards will be determined in the remedial design phase.

32. **Comment:** Section 12.2: Suggest switching the first and second paragraph for better clarity.

Response: The text in Section 12.2 will be switched as suggested.

33. **Comment:** Section 12.2, first sentence in current format: Suggest rewording"...if the post-ISCO groundwater monitoring samples indicates that COCs remain at levels above the RGs."

Response: The sentence in Section 12.2.3 will be revised as follows: "If the post-ISCO confirmation sampling results indicate that COCs remain, enhanced ISB would be used to further lower groundwater contaminant concentrations."

34. **Comment:** Section 12.3, fifth sentence: How would post ISCO sampling be used to evaluate if subsequent ISB treatment is needed. The specifics are necessary in this ROD so that there is concurrence ahead of time as to when ISCO can be stopped and ISB started.

Response: See response to specific comment 31. General performance objectives will be provided in the ROD to aid in timely progression and eventual cessation of treatment train processes. Detailed performance evaluation criteria will be finalized during the remedial design phase.

35. **Comment:** Page 12-4 discussion of ICS.

a) P. 12-4, item (e). We recommend changing "habitation" to "occupancy" because "habitation" implies a residence and is confusing.

b) The ROD should discuss how the LUCs will be implemented prior to deeding of the property, both in leases and on unleased property.

c) P. 12-5, first full paragraph, language should be added giving

the schedule for submitting the preliminary and final RD reports pursuant to the FFA.

- Response:
- a) The Navy will retain the word "habitation" because it is the word used in the statute; however, the Navy will also explore the use of additional text to avoid the implication of a residence.
 - b) The Navy believes that the language included in the ROD is sufficient and is in accordance with EPA's October 2003 "Principles and Procedures for Specifying, Monitoring and Enforcement of Land Use Controls and Other Post-ROD Actions." This guidance states a ROD should describe the land use control (LUC) objectives, explain why and for what purpose the LUCs are necessary, where they will be necessary, and the entities responsible for implementing, monitoring, and reporting on and enforcing the LUCs. It then says the ROD will refer to the remedial design for implementation actions. As it is currently written, the ROD addresses the above items and explains that implementation will be described in the LUC remedial design report.
 - (c) The text on page 12-5, Section 12.4 already states that the preliminary and final remedial design reports will be submitted to the Federal Facility Agreement (FFA) signatories for review pursuant to the FFA. The Navy believes that this is sufficient and that inclusion of a schedule that is open to renegotiation yearly may be misleading.

36. **Comment:** Page 13-5, Sec. 13.5. The Navy is using the wrong language here. This section needs to address the preference for treatment. The issue of permanent solutions and alternative treatment technologies is discussed in Section 13.4. This section could simply say, "This remedy satisfies the statutory preference for treatment as a principal element of the remedy (i.e., reduces the toxicity, mobility, or volume of hazardous substances, pollutants, or contaminants as a principal element through treatment.)"

Response: The last sentence in Section 13.5 will be revised to state that this remedy satisfies the statutory preference for treatment as a principal element of the remedy (i.e., reduces the toxicity, mobility, or volume of hazardous substances, pollutants, or contaminants as a principal element through treatment).

Specific Comments on ARARs provided by [REDACTED] Remedial Project Manager

37. **Comment:** Page 13.1, Sec. 13.2, Compliance with ARARs. Please remove "the

substantive provisions of" in the first sentence. ARARs are always substantive. Please remove "unless a statutory waiver is justified" in the second line. Our understanding is that the Navy does not intend to waive any ARARs in this ROD. It is unclear why the second and third sentences are included here.

Response: The first sentence will be revised to state, "The selected remedial action will comply with the substantive provisions of the federal and state requirements identified as ARARs." The phrase "unless a statutory waiver is justified" has been removed. The second and third sentences will also be removed.

38. **Comment:** Page 13-1 and following, detailed discussions of ARARs. The detailed discussions break the flow of the statutory determinations and should be in a separate section immediately preceding the ARARs tables.

Response: The Navy believes that the current location of the applicable or relevant and appropriate requirements (ARARs) discussion is appropriate. Moving the discussion to the end would require creating a new section following the 5-year review discussion which could create confusion. According to the EPA guidance ("A Guide To Preparing Superfund Proposed Plans, Records of Decision and Other Remedy Selection Documents"), the statutory determinations section should address (1) protection of human health and the environment, (2) compliance with ARARs, (3) cost-effectiveness, (4) utilization of permanent solutions, (5) preference for treatment, and (6) the 5-year review requirement. If the ARARs were moved to after the 5-year review requirement, the Navy believes the statutory determinations section would become hard to follow.

39. **Comment:** Basin Plan (p. 13-2 and 13-6). The Navy should specify which portions of the Basin Plan are considered to be ARARs. It is especially unclear what "waste discharge requirements" in the first bullet on page 13-2 refers to. With respect to the water quality objectives, the Navy should state the specific objectives that are ARARs for this ROD. Also, what are the statewide water quality control plans that are stated to be ARARs in the comment column on page 13-6?

Response: The text on page 13-2 will be revised to explain that the substantive provisions in Chapters 2 and 3 of the water quality control plan (WQCP) are potential ARARs except for the municipal beneficial use designation. The reference to "waste discharge requirements" will be removed. No waste discharge is proposed as part of the remedial action.

The comments column on page 1 of Table 13-1 will be revised to

remove the reference to the statewide water quality control plans and will be replaced with, "Substantive provisions in Chapters 2 and 3 of the WQCP are potential ARARs except for the municipal beneficial use designation. See Section B2.2.1.2. The beneficial uses for the East Bay subbasin are agricultural supply, industrial service supply, and industrial process supply. These uses also apply to the shallow groundwater system at Alameda Point. The pertinent substantive water quality objectives are narrative as quoted in the requirement column."

40. **Comment:** SWRCB Resolution 88-63 (Sources of Drinking Water Policy) (p. 13-2 and 13-6). (a) A ROD needs to indicate the selected ARARs rather than potential ARARs; therefore, the term "potential" should be removed from the Comments column on page 13-6. (b) The description of 88-63 in the Requirement column is incomplete; for the TDS criterion, water is considered to be potential drinking water unless the TDS exceeds 3,000 mg/L "and it is not reasonably expected by the Regional Boards to supply a public water system." The text on page 13-2 needs to further discuss, or at least refer back to discussion on previous pages, concerning the Regional Board's statements regarding this groundwater, as well as the Navy's rationale for why it should not be considered potential drinking water.

- Response:**
- (a) The word "potential" will be removed from the comments column of the first page of Table 13-1. The Navy acknowledges that all ARARs are final in the ROD, and any other references to "potential ARARs" will be changed to remove the word "potential."
 - (b) The description of 88-63 will be changed to state, "the total dissolved solids exceed 3,000 mg/L and it is not reasonably expected by the Water Board to supply a public water system."
 - (c) The text on page 13-2 will refer back to the discussion in Section 5.2 (hydrogeology) regarding beneficial use. That section states: "... a beneficial use evaluation conducted for the purposes of CERCLA cleanup decisions determined that groundwater in the central region of Alameda Point is unlikely to be used as a potential drinking water source (Tetra Tech 2000). The high TDS of the groundwater (or the likelihood of saltwater intrusion if any significant pumping takes place) would require pretreatment, which would not be economical. Groundwater beneath the central portions of Alameda Point (including Site 26) is not currently used for drinking water, irrigation, or industrial supply. Drinking water is supplied to Alameda Point by the East Bay Municipal Utilities District (Bechtel 2003).

In 2000, the Water Board adopted groundwater basin plan

amendments (Water Board Resolution 00-024) that will dedesignate the municipal supply beneficial use for portions of Alameda Point, including Site 26 (Bechtel 2003). These amendments are still subject to approval by the California State Water Resources Control Board (SWRCB) and the State Office of Administrative Law. At this time, SWRCB staff has not yet determined when these amendments will be considered. However, in a letter dated July 21, 2003, the Navy received concurrence from the Water Board that groundwater meets the municipal and domestic water supply designation exemption criteria in the SWRCB source of drinking water policy Resolution 88-63 and Water Board Resolution 89-39 for groundwater west of Saratoga Street at Alameda Point (Water Board 2003). This includes groundwater beneath Site 26.

In addition, EPA stated that based on the shallow depth of the aquifer in this area, the likelihood of saltwater intrusion (based on groundwater flow directions) if any significant pumping takes place, and the fact that no wells currently exist within or close to this area, it seems unlikely that groundwater in this area will be a potential source of drinking water in the future and would concur with non-MCL cleanup levels for Site 26 on the condition that contaminated groundwater is remediated to levels such that the threats posed by such exposures as inhalation (groundwater vapors into soils and from soils into residences), dermal contact, and those associated with irrigation use are eliminated, and any significant ongoing degradation of the groundwater from contamination is prevented (EPA 2000)."

41. **Comment:** MCL (p. 13-2). See comment above. This discussion needs to be expanded.

Response: See the response to general comment 2, c.

42. **Comment:** 22 CCR 66264.94 (a) The Navy should document in the administrative record why remediation to background levels is not technologically or economically feasible. ARARS Table 13-1, p. 13-7, footnote A should be changed to "a" (lower case).

Response: The ARARs appendix to FS explains the use of Cal. Code Regs. tit. 22, Section (or §) 66264.94 and states the following: "Subsection (e) states that in no event shall a concentration limit greater than background exceed other applicable statutes or regulations (e.g., an MCL), or the lowest concentration demonstrated to be technologically and economically achievable. Since the uppermost aquifer at IR Site 26 is not likely to be used as a source of drinking water, MCLs have been determined not to be potential ARARs. The lowest concentration demonstrated to be technologically and economically achievable is a

potential ARAR for the IR Site 26 uppermost aquifer. In general, economic feasibility is an objective balancing of the incremental benefit of attaining further reductions in the concentrations of COCs with the incremental cost of achieving those reductions. Since the groundwater at IR Site 26 is not likely to be used as a drinking water source, there is no benefit from attaining further reduction than required to mitigate threats from other exposure pathways (i.e., inhalation and dermal contact). Therefore, the lowest feasible concentration limits are based on the site risk."

The capital A will be changed to lower case.

43. **Comment:** ESA (p. 13-11). In "Requirement" column in Table 13-2, we recommend removing second sentence. It is not required and does not appear to have relevance for this ROD.

Response: The following sentence regarding the California Endangered Species Act was retained in the requirement column on page 3-11: "No person shall import, export, take, possess, or sell any endangered or threatened species or part or product thereof." This text is consistent with the FS.

44. **Comment:** RCRA ARARs (p. 13-14 and 13-4).

(a) We recommend adding a sentence to the listing of the ARARs on page 13-4 explaining why these will be ARARs for the selected remedy. This is adequately explained in the Comments column in Table 13-3, but it would be helpful to also give a very short explanation when the ARARs are first mentioned on page 13-4.

(b) Please explain what are the substantive provisions of 22 CCR 66264.93

Response: (a) The text in Section 13.2.3 will be modified to state that the RCRA requirements are potentially applicable for characterization of waste generated during monitoring and construction of monitoring wells. An additional sentence will be added stating the following requirements are ARARs for the implementation of land use controls.

(b) The first sentence of § 66264.93 states that for each regulated unit, DTSC shall specify in the facility permit the constituents of concern to which the water quality protection standard of § 66264.92 applies. This section is administrative and is not an ARAR. The second sentence states that chemicals of concern (COCs) are the waste constituents, reaction products, and hazardous constituents that are reasonably expected to be in or derived from waste contained in the regulated unit. The second sentence contains the substantive

requirements.

45. **Comment:** LUC ARARs. EPA recommends including additional sections (b), (d) and (i) of 22 CCR 67391.1 as ARARs.

Response: It is the Navy's position that Cal. Code Regs., tit. 22 § 67391.1(a) and (e)(1) are ARARs. Neither subsections (b), (d), or (i) contain substantive ARARs requirements for the Navy. Subsection (b) states DTSC shall not approve or concur in a response action decision document including limitations on land use or other institutional controls unless the limitations or controls are clearly set for and defined in the response action document. The exception is provided in subsection (f) of this section, any response action decision document shall (1) specify that the limitations or controls will be incorporated into an appropriate land use covenant as required by this section and (2) include an implementation and enforcement plan. The Department shall provide public notice of the response action decision document in a manner that meets the requirements of Health and Safety Code Section 25356.1(e)(2) or Section 25398.6(i). DTSC will consult with local agencies, including local reuse authorities, as appropriate. This section does not contain any substantive ARAR requirements for the Navy.

Similarly, subsection (d) does not contain any substantive ARAR requirements for the Navy. It states, "(d) All land use covenants pursuant to this section shall be executed by the Department and the landowner and shall be recorded in the county where the land is located. All land use covenants shall run with the land pursuant to Civil Code section 1471 and/or Health and Safety Code sections 25202.5, 25222.1, 25355.5, or 25398.7 and 25396(l) and shall continue in perpetuity unless modified or terminated in accordance with applicable law."

The Navy does not believe this section is an ARAR. Section (i) contains definitions for (1) "Department" (DTSC), (2) "Federal property," (3) "Land use covenants," (4) "Response action decision document," (5) "Unrestricted use of the land."

46. **Comment:** Underground Injection Control. Please provide an explanation for why the Navy does or does not consider UIC requirements to be ARARs for ISCO

Response: For the reasons explained in the FS, the Navy does not consider the underground injection control (UIC) requirements to be ARARs. The FS explained, "There are no specific federal or state ARARs concerning injection of nutrients/adjuvants and/or chemical reagents into the groundwater. In addition, RCRA § 3020(a), which bans hazardous waste disposal by underground injection above a formation that contains an underground source of drinking water, does not apply to this action

because commercial chemical or chemical by-products injected into groundwater for *in situ* treatment are not considered hazardous waste (U.S. EPA 2000)."

47. **Comment:** **Administrative Record:** EPA is puzzled by the inclusion of the Water Tower EE/ CA for the Site 26 ROD and questions the relevance of this removal action to the remedy for Site 26. Likewise, information related to Todd Shipyard (IR Site 28) does not appear to add to the understanding of the Site 26 ROD.

Response: Documents that do not pertain to Site 26 will be removed from the administrative record index for Site 26.

Specific Comments on Responsiveness Summary provided by [REDACTED] Remedial Project Manager, March 23, 2006

48. **Comment:** **Response to Mr. Lynch's comment #2:** Why is the removal of naphthalene being discussed in this response?

Response: The sentence regarding removal of naphthalene will be deleted.

49. **Comment:** **Response to Mr. Lynch's comment #3:** EPA does not accept the Navy's response to this comment. Alternative 2 does not meet the threshold criteria and should not be evaluated as a remedial alternative.

Response: The response will be revised as follows: "In accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), the purpose of the remedy selection process is to select remedies that are protective of human health and the environment, maintain protection over time, and minimize untreated waste. Alternative 2 was included for consideration by risk management decision makers because, based on current site data, and based on the fact that there are no unacceptable risks posed from the current and future uses of the site, the Navy wanted to further evaluate whether ICs, which are not included in Alternative 2, are necessary to prevent the rather unlikely circumstances potentially leading to the unauthorized use of groundwater at the site. However, the Navy is choosing to remediate to unrestricted site use because the cost associated with attaining unrestricted use remedial goals is expected to be comparable with the cost associated with commercial use remedial goals, when considering the associated long-term cost. In addition, risk management decision makers chose a more conservative approach to the risk at Site 26 basing decisions on a scenario where VOCs in groundwater degrade to vinyl chloride and vinyl chloride does not degrade at all. (Because

dichloroethene and trichloroethene in groundwater may degrade further to vinyl chloride, there could be a further increase in risk from groundwater.)”

50. **Comment:** **Response to Mr. Lynch’s comment #5: The Navy’s response does not answer the comment.**

Response: The response will be revised as follows: “The cost ratings are a relative comparison with Alternative 6 being less than Alternative 4. The Navy agrees that within the range of cost estimate accuracy it is difficult to distinguish a difference in cost performance between these two alternatives.”

Comments provided by EPA Headquarters, April 5, 2006

1. **Comment:** Section 12.4, p. 12-4, sentence following the 1st paragraph. Please revise to say “The following are the IC objectives to be achieved through land-use restrictions for this site and which will be incorporated into the Quitclaim deed and the Covenant to Restrict Use of Property.”

Response: The text in Section 12.4 will be revised as suggested.

2. **Comment:** Section 12.4, p. 12-4. Please add that the access provisions at the bottom of page 12-4 will be included in the deed and covenant.

Response: The referenced text in Section 12.4 will be revised to state that access provisions will be included in the deed and covenant.

3. **Comment:** The language on p. 12-5 is missing “maintaining.”

Response: The text on page 12-5 will be revised as follows: “The Navy will be responsible for implementing, inspecting, reporting, maintaining, and enforcing the IC objectives described in the ROD in accordance with the approved remedial design reports.”

RESPONSES TO DTSC COMMENTS

Comment provided by Dot Lofstrom, Project Manager

1. **Comment:** The Department of Toxic Substances Control (DTSC) has reviewed the Draft Record of Decision (ROD), Site 26 Alameda Point,

Alameda, dated January 23, 2006. The Draft ROD presents the selected remedy for Installation Restoration (IR) Site 26, part of Operable Unit 6 at the former Naval Air Station Alameda, now referred to as Alameda Point. The ROD describes the use and history of Site 26, also known as the Western Hangar zone, and presents a summary of site risks based on soil and groundwater investigations to date. The ROD documents that soil at Site 26 does not pose a potential risk to human health, and the Navy has selected a preferred alternative for groundwater that includes in situ chemical oxidation treatment followed by anaerobic in situ bioremediation, groundwater confirmation sampling, and institutional controls. Institutional controls will remain in place until the following remediation goals have been achieved:

- Cis- 1, 2-dichloroethane: 6 micrograms per liter (ug/l)
- Trichloroethene: 5 ug/l
- Vinyl chloride: 0.5 ug/l

Response: Comment noted.

2. **Comment:** In a letter dated October 3, 2005, DTSC requested further evaluation of five Solid Waste Management Units, including washdown area (WD) 23, and generator accumulation point (GAP) 19, GAP 20, GAP 21, and GAP 22. DTSC also requested that the Navy submit as-built drawings of the hangars to determine if floor drains were present in the buildings. Subsequently, the Navy submitted the following documents to DTSC:

- 1) Report titled "Compilation of Outstanding Solid Waste Management Unit Evaluation Reports," dated November 29, 2005.
- 2) Response to Comments on the Draft Final Proposed Plan for IR 26, dated November 6, 2005.
- 3) A letter from DISC dated November 4, 1999 documenting DTSC's concurrence of no further action for GAP 19, GAP 20, GAP 21 and GAP 22.

The Navy did not submit as-built drawings of the buildings because the drawings could not be located.

DTSC reviewed the documents submitted by the Navy and also conducted a Site 26 visual inspection on December 5, 2005.

Subsequently, DTSC is withdrawing its request for further evaluation of GAPs 19, 20, 21, and 22 and WD-23, based on the following rationale:

- All four of the GAPs were situated on concrete paving, and there is no indication that a release occurred from any of the units.
- Elevated concentrations of contaminants are not present in soil samples collected in the general vicinity of GAPs 19, 20, 21 and 22, and WD-23.

The Navy should ensure that Resource Conservation and Recovery Act (RCRA) procedures have been followed and that pertinent RCRA requirements are met for these units.

Response: Comment noted.

3. Comment: The following language should be included above the signature block for [REDACTED]

"The State of California, Department of Toxic Substances Control had an opportunity to review and comment on the Record of Decision and our concerns were addressed."

Response: The suggested text will be added above the signature block for Mr. [REDACTED]

RESPONSE TO WATER BOARD'S COMMENTS

Comments provided by

1. Comment: The San Francisco Bay Regional Water Quality Board (Water Board) staff reviewed the *Draft Record of Decision for Western Hangar Zone (Installation Restoration Site 26), Alameda Point, Alameda, California*, dated January 23, 2006 (Draft ROD) and concurs with the following conclusions:

- For soil: Results of the Remedial Investigation and Risk Assessments (RI) have shown that the chemicals found in soil at this site do not pose an unacceptable risk to either humans or potential ecological receptors. Therefore, no further action is recommended.
- For groundwater: Results of the RI have shown that further

action is required for the unrestricted reuse scenario. Therefore, Navy selected Alternative 6, which includes the use of full scale in-situ chemical oxidation and in-situ bioremediation, and temporary implementation of institution controls to restrict residential use of parcels overlying the plume and preclude actions that would interfere with the implementation of Alternative 6. The institutional controls will remain in place until the following remediation goals have been achieved:

- *Cis*- 1,2- dichloroethene (*cis*-1,2-DCE): 6 ug/L
- Trichloroethene (TCE): 5 ug/L
- Vinyl chloride: 0.5ug/L

Response: Comment noted.

2. Comment: Installation Restoration (IR) Site 26 is located on the center of former NAS Alameda, is rectangular in shape and comprises approximately 32 acres. It is covered by concrete and asphalt pavement, four former aircraft hangars (Building 20 through 23), a building that formerly housed paint and fishing operations, and several ancillary buildings. The unpaved areas account for less than 1 acre of the site and are generally landscaped strips along the east side of the buildings. The four former aircraft hangars are included in the Alameda Point Historic District. Site 26 also contains multiple inactive solid waste management units, fuel lines, and storm sewer lines.

Response: Comment noted.

3. Comment: Groundwater southeast of Building 20 is impacted with volatile organic compounds including *cis*-1, 2-DCE, TCE, and vinyl chloride. Areas contaminated by petroleum hydrocarbons within Site 26 have been identified and will be addressed under a separate petroleum cleanup program. A small portion of the storm sewer line which extends from Site 5 into Site 26 may have been impacted by the release of radium-containing paints and will be addressed as part of the Site 5 CERCLA activities.

Staff intends to recommend to the Executive Officer of the Water Board to sign the Record of Decision, provided that Department of Toxic Substances Control, the lead State Agency for Alameda Point, does not raise significant issues with the proposal.

Response: Comment noted.